

3. Defendant filed his first motion for postconviction relief on October 18, 2007. In addition, Defendant filed a motion for leave to file an amendment to his Rule 61 motion to explain his ineffective assistance of counsel claims or an expansion of the record. The Court issued an order on January 31, 2008 denying the motion challenging his sentence, but granting the motion for leave to amend his postconviction relief motion on the claims of ineffective assistance of counsel.

4. Defendant filed an appeal to the Delaware Supreme Court on February 29, 2008. On March 19, 2008, while the appeal was pending, he filed a motion to amend; a motion for designation of transcripts; and a motion for appointment of counsel. On April 28, 2008, the Court denied the motion to appoint counsel and denied the motion for designation of transcripts. The Court granted the motion to amend. The Court subsequently determined that each of the nine claims of ineffective assistance of counsel were without merit and the Court denied the motion for post conviction relief. The Supreme Court dismissed the appeal on July 23, 2008.

5. On June 24, 2010, defendant filed a Second Motion for Postconviction Relief pursuant to Superior Court Criminal Rule 61.

6. This Motion for Postconviction Relief was referred to a Superior Court Commissioner pursuant to 10 *Del. C.* §512(b) and Superior Court Criminal Rule 62 for proposed findings of fact and conclusions of law.

7. The Commissioner issued the Findings of Fact and Recommendations on January 18, 2011, recommending that defendant's second motion for postconviction relief be denied. No objections to the Commissioner's recommendations have been filed.

THEREFORE, for the reasons stated in the Commissioner's January 18, 2011 Findings of Fact and Recommendations that Defendant's *Pro Se* Motion for Postconviction Relief should be Denied;

IT IS ORDERED this 21st day of February, 2011, that the Commissioner's Findings of Fact and Recommendations are adopted by the Court. Defendant's Second Motion for Postconviction Relief is hereby **DENIED**.

/s/ *Mary M. Johnston*

The Honorable Mary M. Johnston